

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

INSIGNIA SYSTEMS, INC.,

Civil No. 04-4213 (JRT/AJB)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

NEWS AMERICA MARKETING IN-
STORE, INC., ET AL.,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Arthur J. Boylan dated January 29, 2009 [Docket No. 472]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that Defendant News America Marketing In-Store, Inc.'s Motion for Adverse Inference Instruction to Jury for Insignia's Spoliation of Evidence [Docket No. 434] is **DENIED**.

DATED: February 24, 2009
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge